

SSB 5668 - H COMM AMD

By Committee on Commerce & Labor

ADOPTED AND ENGROSSED 3/3/10

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that adding requirements to the use of consignment contracts and listing dealer agreements for the sale of manufactured/mobile homes is necessary to protect the interests of homeowners, especially those who are elderly.

The legislature intends this act to ensure a transparent transaction between the parties involved in the sale of a used manufactured/mobile home.

NEW SECTION. Sec. 2. A new section is added to chapter 46.70 RCW to read as follows:

(1) As used in this section:

(a) "Consignment" means an arrangement where a vehicle dealer accepts delivery or entrustment of a used manufactured/mobile home and agrees to sell the used manufactured/mobile home on behalf of another.

(b) "Listing agreement" means a contract between a seller of a used manufactured/mobile home and a listing dealer to locate a willing buyer for the used manufactured/mobile home.

(2) The consignment contract used under this section must state the minimum agreed upon amount which will be paid to the consignor and the maximum percentage or dollar value of commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home. The listing dealer or other vehicle dealer shall remit to the consignor any moneys received above and beyond the agreed upon maximum percentage or dollar value of commission.

(3) The listing agreement used under this section must state the maximum percentage or dollar value of commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home.

(4) The listing dealer or other vehicle dealer shall negotiate the purchase agreement between the seller and buyer of the used manufactured/mobile home, which must include the following procedure:

(a) All written purchase offers bearing the buyer's signature must immediately be delivered to the seller for acceptance or refusal.

(b) The seller accepts the purchase agreement by signing the offer. A copy of the purchase agreement must be delivered to the buyer immediately following the seller signing and accepting the offer as proof that the buyer's purchase offer was accepted.

(c) Any counteroffers or amendments to the purchase agreement must also bear the signatures of both the buyer and seller, and copies of the counteroffers or amendments must be delivered to each party.

(5) The listing dealer or other vehicle dealer must follow all other requirements under this chapter.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.70 RCW to read as follows:

A listing dealer or other vehicle dealer of manufactured/mobile homes acting on behalf of a seller for the sale and transfer of a used manufactured/mobile home shall complete and attach to any listing agreement the following notice:

NOTICE

The description and physical location of the used manufactured/mobile home to be sold under this listing agreement is

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The commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home is

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Any changes to the commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home must be

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1 **Sec. 4.** RCW 46.70.028 and 2000 c 131 s 2 are each amended to read
2 as follows:

3 Dealers who transact dealer business by consignment shall obtain a
4 consignment contract for sale and shall comply with applicable
5 provisions of this chapter ((46.70-RCW)). The dealer shall place all
6 funds received from the sale of the consigned vehicle in a trust
7 account until the sale is completed, except that the dealer shall pay
8 any outstanding liens against the vehicle from these funds. Where
9 title has been delivered to the purchaser, the dealer shall pay the
10 amount due a consignor within ten days after the sale. However, in the
11 case of a consignment from a licensed vehicle dealer from any state,
12 the wholesale auto auction shall pay the consignor within twenty days.
13 Dealers are also subject to the requirements of sections 2 and 3 of
14 this act when engaged in the consignment of a used manufactured/mobile
15 home.

16 **Sec. 5.** RCW 46.70.029 and 2001 c 64 s 8 are each amended to read
17 as follows:

18 Listing dealers shall transact dealer business by obtaining a
19 listing agreement for sale, and the buyer's purchase of the mobile home
20 shall be handled as dealer inventory. All funds from the purchaser
21 shall be placed in a trust account until the sale is completed, except
22 that the dealer shall pay any outstanding liens against the mobile home
23 from these funds. Where title has been delivered to the purchaser, the
24 listing dealer shall pay the amount due a seller within ten days after
25 the sale of a listed mobile home. A complete account of all funds
26 received and disbursed shall be given to the seller or consignor after
27 the sale is completed. The sale of listed mobile homes imposes the
28 same duty under RCW 46.70.122 on the listing dealer as any other sale.
29 Listing dealers are also subject to the requirements of sections 2 and
30 3 of this act."

31 Correct the title.

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